

ONE HUNDRED FIFTH LEGISLATURE - FIRST SESSION - 2017
COMMITTEE STATEMENT
LB644

Hearing Date: Thursday February 23, 2017
Committee On: Government, Military and Veterans Affairs
Introducer: Government, Military and Veterans Affairs
One Liner: Provide, change, and eliminate provisions governing boards, commissions, and similar entities

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:

Aye: 8 Senators Blood, Brewer, Briese, Craighead, Hilgers, Lowe, Murante, Wayne
Nay:
Absent:
Present Not Voting:

Verbal Testimony:

Proponents:

Andrew LaGrone

Representing:

Legal Counsel for Government, Military & Veterans Affairs Committee

Opponents:

Jon Kayne

Brian Monaghan

Michael Dwyer

Michele Bang

Bill Bowes

F. Jane Tooley

Tim Norris

James Smith

Elizabeth Neeley

Ted Kessner

Terry Wittler

Mark Sipple

Tim Engler

Bob Wickersham

Jason Ausman

John F. Aman, Esq.

Melanie Whittamore-Mantzios

William Mueller

Representing:

Nebraska Critical Incident Stress Management Council

Nebraska Emergency Medical Services Association

Nebraska State Volunteer Firefighters; Nebraska State Firefighters Association

Omaha Police Department

Nebraska Municipal Fire Chiefs

Self

Bennett Fire

Nebraska State EMS Board

Nebraska State Bar Association

Self

Nebraska Association of Trial Attorneys

Self

Nebraska Chapter of the American Board of Trial Advocates (ABOTA)

Nebraska State Bar Association

Neutral:

Steven Chase

Representing:

Nebraska State Records Board

Summary of purpose and/or changes:

LB 644 eliminates and alters boards and commissions in response to the 2016 Boards and Commissions report of the Government, Military & Veterans' Affairs Committee. The changes are as follows.

Committee to Carry Out Purposes of Agricultural Opportunities and Value-Added Partnership Act - Eliminated
This committee did not respond to the request for information.

Out of Home Data Pilot Project Advisory Group - Eliminated
This group's work was completed with the issuance of its report in January 2016.

Intergenerational Poverty Task Force - Eliminated
This task force sunset on December 31, 2016.

Aging Nebraskans Task Force - Eliminated
This task force sunset on January 1, 2017.

Health Advisory Board to the Department of Motor Vehicles - Eliminated
This board informed the Committee that it had not met for a number of years and was obsolete.

Medical Home Advisory Council - Eliminated
The council sunset on June 30, 2014.

Medicaid Reform Council - Eliminated
The council informed the Committee that it was no longer necessary.

Technical Advisory Committee of the Nebraska State Records Board - Eliminated
The committee did not report any meetings in the last 4 years.

Committee of Experts to Advise the Department of Agriculture on the Development of an Assessment Matrix - Eliminated
The committee became obsolete on August 30, 2016 with the issuance of the assessment matrix.

Carbon Sequestration Advisory Committee - Eliminated
The committee has not met in the last 4 years.

Critical Incident Stress Management Council - Eliminated
The council has not met in the last 4 years.

Community Gardens Task Force - Eliminated
The task force issued a report in December 2016. It is not clear that there is work remaining for the task force to accomplish.

Small Employer Health Reinsurance Program - Eliminated
The board met once in the last 4 years and informed the Committee that it is obsolete.

Potato Development Committee - Eliminated
It is not clear whether the committee is necessary as there are only 13 potato growers and shippers in Nebraska and the committee has 7 members.

Noxious Weed Advisory Committee - Eliminated
The committee has not met in the last 4 years.

Exchange Stakeholder Commission - Eliminated

The commission sunset on July 1, 2016.

Perfusionist Committee - Eliminated

The committee has not met in the last 4 years.

Nursing Home Advisory Council - Eliminated

The council informed the Committee that it is no longer functional.

Board of Emergency Medical Services - Eliminated

The board informed the Committee that it is no longer necessary.

Judicial Resources Commission - Eliminated

The commission did not respond to the request for information. Under the bill, the commission's responsibilities are given to the Supreme Court.

Judicial Qualifications Commission - Altered

The commission did not respond to the request for information. The bill makes two changes to how the commission operates.

First, it requires that all members appointed by the Governor be present in order to constitute a quorum.

Second, it requires that a majority of the members appointed by the Governor concur in an action by the commission in order for the action to be valid.

Judicial Nominations Commissions - Altered

The commissions did not respond to the request for information. The bill makes the following changes to the commissions.

First, it eliminates the subcategory party requirements. The Constitution demands that no more than 4 members of a judicial nominating commission be from the same party. Current statute states that no more than 2 citizen members be of the same party, and no more than 2 lawyer members be of the same party. The bill eliminates these subcategory requirements and requires the citizen members be of the Governor's political party. This works with the Constitutional requirements to require the bar to elect 4 members that are not of the Governor's political party. The total partisan make up requirements of each commission remains unchanged.

Second, the bill eliminates term limits for members of commissions.

Third, the bill changes which entity nominates candidates for lawyer member vacancies in the event that an insufficient number of candidates put their names forward. Currently, that duty rests with the Executive Council of the Bar Association. The bill gives it to the Governor.

Fourth, the bill removes the authority of judicial nominating commissions to hold confidential meetings. It requires that all meetings be open to the public. Further, it requires that all communications that concern the qualifications of an individual who has applied to fill a judicial vacancy and that take place during the vacancy, with or by members of the judicial nominating commission for the vacancy, shall be public records. These records must be included in the reports required of the commissions. The bill maintains that communications between members of judicial nominating commissions and between any member of the commission and any prospective candidate for judicial office and all other communications with members of the commission shall be privileged from use in any legal action, except one charging misconduct in office of a member of a judicial nominating commission or one involving contempt of court, or misconduct of an attorney, based on such communication.

Finally, the bill requires that each member of a judicial nominating commission shall have been affiliated with the political

party he or she is representing on the commission for at least ten years or continuously since he or she initially registered to vote.

Stem Cell Research Advisory Committee - Eliminated

The committee has only met twice per year and has an annual budget of \$15,000.

Explanation of amendments:

AM 1111 has two provisions. First, it removes from the bill the elimination of, or changes made to, the following entities:

Board of Emergency Medical Services

Critical Incident Stress Management Board

Stem Cell Research Advisory Committee

Committee of Experts to Advise the Department of Agriculture on the Development of an Assessment Matrix

Judicial Nominations Commissions

Commission on Judicial Qualifications

Judicial Resources Commissions

Potato Development Committee

Second, it adds a version of LB 655. This would allow an employee of the Legislative Council to volunteer at a public school or a nonprofit organization that focuses on assisting public schools, during normal work hours without the loss of pay, vacation time, sick leave, or earned overtime.

John Murante, Chairperson